

## **401 KAR 42:200. Annual fee for underground storage tanks.**

RELATES TO: KRS 224.10-100, 224.60

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.60-105, 224.60-150(1).

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.60-150 states that the cabinet shall levy and collect an annual fee of thirty (30) dollars per underground storage tank from owners or operators of underground storage tanks for the purpose of funding the administration of the underground storage tank program. KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. This administrative regulation establishes provisions for the payment of an annual fee for an underground storage tank.

Section 1. Applicability. This administrative regulation shall apply to all owners and operators of underground storage tanks.

Section 2. Annual Fee. (1) The owner or operator of an underground storage tank shall pay a thirty (30) dollar annual fee for each underground storage tank that is in the ground, and not permanently closed in accordance with 401 KAR 42:070, on July 1 of a year (July 1 through June 30).

(2) Payment shall be submitted to the Underground Storage Tank Branch of the Division of Waste Management.

(3) Checks shall be made payable to the Kentucky State Treasurer and be submitted within thirty (30) days after receipt of an invoice from the cabinet specifying the required payment.

(4) The fee for any year (July 1 through June 30) shall be due if the underground storage tank was in the ground on July 1 of that year.

(5) Fees shall not be due for years prior to the one (1) beginning July 1, 1990.

(6) Annual fees shall not be required for an unregistered underground storage tank newly discovered during permanent closure activities conducted in accordance with 401 KAR 42:070.

Section 3. Extensions. (1) The owner or operator of a UST system may request an extension to a deadline established by this administrative regulation or established by the cabinet in writing pursuant to this administrative regulation.

(2) The extension request shall be submitted in writing and received by the Underground Storage Tank Branch of the Division of Waste Management prior to the deadline.

(3) The cabinet shall grant an extension, if an extension would not have a detrimental impact on human health or the environment. (17 Ky.R. 660; eff. 9-25-1990; 22 Ky.R. 337; eff. 11-14-1995; 32 Ky.R. 2128; 33 Ky.R. 744; eff. 9-13-2006; 37 Ky.R. 2713; 38 Ky.R. 529; eff. 10-6-2011; Crt eff. 10-9-2018.)